

Bylaws of the Behavioral Health Advisory Council of Virginia

Article I – Name

The name of the organization is the Behavioral Health Advisory Council of Virginia (hereinafter referred to as the Council). The Council was established in 1988, pursuant to Public Law 99-660 (1986) now amended to PL 102-321.

Article II - Mission Statement

The mission of the Council is to advocate for a consumer driven system of services and supports that promotes self-determination, empowerment, recovery, resilience, health and the highest possible level of consumer participation in all aspects of community life including work, school, family and other meaningful relationships.

Article III - Objectives of the Council

1. The Council shall serve as the primary forum for building a consensus among the many stakeholders in behavioral health treatment. These include consumers, families, advocates, providers, planners, and state agencies. The purpose is to ensure a high-quality system of treatment, services and support for children, adults and elders with serious emotional disturbances, serious mental illness and addiction and related disorders.
2. The Council shall review annually all expenditures and budgets in the state system for behavioral health services to satisfy the federal mandate that monies spent do not conflict with the restrictions of the federal mandate. This review covers the Federal Block Grant Application, and the Mental Health Plan(s) of Virginia as expressed in the Performance Partnership Plan, the state's six year Comprehensive State Plan, the Community Services Performance Contract and such others as developed.
3. The Council shall continuously monitor, evaluate and review the implementation of the state's Behavioral Health Plan including:
 - a. the allocation, adequacy and quality of services to children with serious emotional and mental disorders and adults with serious mental illness and/or addiction and related disorders,
 - b. the congruence between existing services and the Commonwealth's stated values, priorities and goals,
 - c. the plan's impact on improving the quality of life for Virginia's behavioral health consumers and their families, and
 - d. direct observation, including visitation, and interviews with consumers, family members and advocates with regard to the programs, facilities, and human rights provisions of the state.
4. The Council shall make recommendations to the various departments and agencies that serve or fund services for consumers and families. These recommendations can go to the

Commissioner or the Board of the Department of Behavioral Health and Developmental Services, the Governor of the Commonwealth, and others.

5. The Council shall monitor the activities of and make recommendations to state Executive and Legislative Committees when their actions affect consumers and their families.

Article IV – Membership

1. Membership shall be in accordance with federal laws and regulations.

2. State agency representatives are designated by their respective agency heads by virtue of the positions they hold. Agencies represented shall include mental health and substance abuse (one representative each for adult and child services), education, vocational rehabilitation, criminal justice, housing, social services, Medicaid and such others as mutually agreed. There are no term limits for these individuals.

3. Representatives of major behavioral health advocacy organizations are designated by their respective organizations. There are no term limits for these individuals.

4. All other terms of membership shall be for four years from date of appointment with no member serving more than two successive terms.

5. Seats on the Council will be allocated as follows:

a. 12 seats to representatives of state agencies.

b. 5 seats to representatives of major Behavioral Health advocacy organizations as stated in the ‘Proposed Membership for Virginia Behavioral Health Advisory Council’ document.

c. 4 seats to representatives of mental health and addiction service providers.

d. 6 seats to adults with serious mental illness or co-occurring addiction or related disorders and mental illness, who are receiving or have received mental health or addiction and related services, at least one of these seats to be filled by an individual under 25 and one over 65.

e. 6 seats for adults with addiction or related disorders or co-occurring addiction and related disorder and mental illness who are receiving or have received addiction treatment services.

f. 5 seats to family members of children or youth with serious emotional disturbance, as defined in state policy.

g. 5 seats to family members of adults with a serious mental illness, advocates and/or other interested persons.

h. 1 seat for a youth age 14-18 with SED, addiction or related disorder, or co-occurring SED and SUD.

6. Non-voting members.

a. A designee of DBHDS serves as a liaison between DBHDS and the Council.

b. An agent contracted by DBHDS serves as fiscal agent and provides administrative support. If a member of the Council also serves as fiscal agent, that member retains his membership voting rights.

c. Auxiliary memberships are available to create a pool of talent for special projects.

7. Any interested individual may seek appointment to the Council under membership categories 4, 5, and 6, as cited in the policies and procedures manual, or as an auxiliary member. When completed, the membership application should be forwarded to the Chairman of the Membership Committee. The Chairman will review the application and, with the advice of the committee, provide the applicant with a letter of acknowledgment providing information on the council review and formal approval process.

8. Each member of the Council is expected to attend each meeting of the Council, to serve on at least one Committee of the Council, to actively participate in the activities of the Council, and to disseminate information to their constituencies.

Article V – Governance

1. Officers:

a. The officers of the Council shall be the President, Vice President, Secretary, and the immediate Past President. A majority of the officers may not be state employees or providers of mental health or substance abuse services. Officers shall be elected for a one-year term. No officer may serve more than two successive terms in the same office.

b. The President shall preside over all meetings of the Council, supervise all activities of the Council, appoint the chairmen of all committees, except the Nominating Committee, and be an ex-officio member of all committees.

c. The Vice President shall be the presiding officer in the absence of the President, assist the President in all matters, and be the presumptive nominee for President in the following year.

d. The Secretary shall be responsible for seeing that a true record of the meetings and actions of the Council is compiled, including attendance, for attesting to those records, for maintaining a current roster in conjunction with the DBHDS liaison and publishing it to the membership, as necessary, and for such correspondence and other duties as the Council shall devise.

2. **Elections.** The officers shall be elected annually at the last meeting of the calendar year. The Nominating Committee Chair shall conduct the election with assistance from other members of the committee. Candidates will be those of the Nominating Committee slate and any floor nominations made and seconded. Each position shall be voted on separately if there are candidates in addition to the slate. Candidates receiving a majority vote shall be declared elected. If no candidate receives a majority for a position, the lowest vote getter is eliminated, in successive rounds, until a candidate receives a majority.

3. **Removals.** An Officer or Chair may be removed from his position, but will retain his Council membership, by a majority of the Council whenever in its judgment the best interests of the Council would be served thereby. A member of the Council may be removed for cause by a majority of the Council, after being provided an opportunity for mediation and for representation before the Council.

4. **Reimbursement.** Officers and members of the Council serve without pay, but reimbursement may be made for reasonable expenses in accordance with state law and the established policies and procedures of the Council.

5. Powers Reserved

a. The Council shall fill any vacancy among the officers, and confirm the Vice President who shall become President if the President becomes unable to fulfill his duties.

b. The Council shall establish and approve an annual budget for the operation of the Council.

c. The Council may develop an official position of the Council for dissemination with regard to any issue or matter affecting consumers or their families.

6. **Non-Discrimination.** The Council shall not discriminate in any regard with respect to race, age, creed, color, sex, sexual orientation, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, care giver, or physical or mental disability.

7. **Freedom of Information.** All work of the Council shall conform to requirements of the Federal and State Freedom of Information Acts.
8. **Conflict of Interest.** All members shall maintain the highest ethical standards and conform to the requirements of the Federal and State Conflict of Interest Rules.
9. **Privacy Policy.** Personal information, including contact information, about individual Council members shall not be disseminated to the general public.

Article VI - Standing Committees

1. **Executive.** This committee shall be responsible for coordinating the operations of the Council. It shall be comprised of the President, the Vice President, the Secretary, the immediate Past President, the fiscal agent, the Departmental Liaison, and the Chairs of all committees, standing and ad hoc. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.
2. **Bylaws and Policy.** This committee shall continuously review the Bylaws and policy manual with regard to the structure and functioning of the organization. It shall be comprised of a Chair, appointed by the President, and 2-6 additional members selected by the Chair from volunteers from the Council. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.
3. **Membership and Training.** This committee shall continuously review the membership for compliance with federal law, evaluating full openness in participation in regard to race, creed or national origin, and geographical location; seek and recruit potential members, including manage the Membership Application Process; develop and manage the training and education of all Council members in relevant subject areas; and consider all issues regarding membership. It shall be comprised of a Chairman, appointed by the President, and 2-6 additional members selected by the Chair from volunteers from the Council. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.
4. **Council Finance.** This committee shall develop a spending plan for Council activities and monitor expenditures to assure successful implementation. It shall be comprised of a Chair, appointed by the President, the fiscal agent, and 2-6 additional members selected by the Chair from volunteers from the Council. The committee shall keep minutes of its meetings, prepare a bi-monthly financial report, and report to the Council at each regular meeting and make recommendations for Council action, as necessary.
5. **Nominations.** This committee shall propose a slate of officers for election and conduct the election with who meets the qualifications as stated in the policies and procedures manual. It shall be comprised of the Chair and 4 additional members, all of whom who are selected by the Council. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.
6. **Adult Services.** This committee shall review adult services, recommend modifications to existing services, and collaborate in the development of additional or new service models, while promoting best practices. It shall advocate for the rights and needs of adults with mental health and substance abuse issues while obtaining input from consumers, their families and advocacy organizations. It shall be comprised of a Chair, appointed by the President, and 2 or more additional members selected by the Chair from volunteers from the Council. The committee shall

keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.

7. Child and Adolescent Services. This committee shall review child and adolescent services, recommend modifications to existing services, and collaborate in the development of additional or new service models, while promoting best practices. It shall advocate for the rights and needs of children and adolescents with mental health and substance abuse issues while obtaining input from consumers, their families and advocacy organizations. It shall be comprised of a Chair, appointed by the President, and 2 or more additional members selected by the Chair from volunteers from the Council. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.

8. Elder Services. This committee shall review elder services, recommend modifications to existing services, and collaborate in the development of additional or new service models, while promoting best practices. It shall advocate for the rights and needs of elders with mental health and substance abuse issues while obtaining input from consumers, their families and advocacy organizations. It shall be comprised of a Chair, appointed by the President, and 2 or more additional members selected by the Chair from volunteers from the Council. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.

9. Evaluation and Monitoring. This committee shall continuously monitor, evaluate and review the Federal Block Grant and all programs offered in the Mental Health Plan of Virginia, including, but not limited to, the State Comprehensive Plan, the Performance Partnership Plan, and the Community Services Performance Contract. It shall be comprised of a Chairman, appointed by the President, and 2-6 additional members selected by the Chairman from volunteers from the Council. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.

10. Budget and Funding. This committee shall continuously monitor, evaluate and review the expenditures and budgeting of the Federal Block Grant and for mental health/substance abuse services through the DBHDS and all other programs within the state. It shall attempt to identify additional financial resources to improve the funding of mental health and substance abuse services. It shall be comprised of a Chair, appointed by the President, and 2-6 additional members selected by the Chair from volunteers from the Council. The committee shall keep minutes of its meetings, report to the Council at each regular meeting and make recommendations for Council action, as necessary.

Article VII - Meetings

1. **Frequency.** The Council shall meet according to a set schedule determined at its first meeting of the year, at least six times per year, and on the third Wednesday of the month, except as agreed.

2. **Special Meetings.** Special meetings may be called at such times and places as necessary, upon approval of the Executive Board. Notice of at least two weeks shall be provided and the business to be attended shall be included with notice.

3. **Quorum.** A quorum shall be fifty percent of the total membership and a majority of the consumer, family member, and advocate members.

4. **Proxy voting.** Proxy voting is not permitted.

5. **Conduct of the meeting.** Ordinarily, business shall be conducted as a committee of the whole, but the chair or any two members may require that any matter be considered under Robert's Rules of Order, Newly Revised.

6. **Open Meetings.** The meetings of the Council shall be open, unless the work of the Council would be of a confidential nature at law, which would preclude an open session. Members of the public shall have a reasonable opportunity to address the Council.

Article VIII – Amendments

1. Amendments to these Bylaws shall be proposed to the Council at least one month in advance of voting.

2. Amendments shall be circulated to all members at least two weeks in advance of voting.

3. Amendments must be approved by a sixty percent vote of members present.

Approved 16 April 2014